

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

-----X	:	
GLAXO GROUP LIMITED	:	
	:	
Plaintiff,	:	Civil Action No. 04-171-***
v.	:	
	:	
TEVA PHARMACEUTICALS USA, INC. and	:	
TEVA PHARMACEUTICAL INDUSTRIES	:	
LIMITED	:	
	:	
Defendants.	:	
-----X	:	

JOINT STATUS REPORT

The parties, plaintiff Glaxo Group Ltd. ("Glaxo") and defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. ("Teva"), submit this Status Report in response to the Court's Order of November 1, 2007 (D.I. 165).

The parties completed discovery and filed *Markman* briefs and summary judgment motions in the summer of 2006. Judge Jordan heard oral argument on the claim construction disputes and summary judgment motions on September 8, 2006. The case was originally scheduled for a bench trial before Judge Jordan in March 2007, but due to Judge Jordan's elevation to the Third Circuit Court of Appeals in December 2006, the trial was postponed.

On August 15, 2006, the parties entered into an agreement providing that, *inter alia*, Teva would not sell its generic drug product until at least ten days after giving Glaxo notice that Teva had received marketing approval from the Food and Drug Administration ("FDA"). The ten day notice period provides Glaxo with the opportunity to file a motion for a Temporary Restraining Order and a Preliminary Injunction in the event such a motion is necessary. As of the date of this Joint Status Report, Teva has not

received marketing approval from the FDA for its generic drug product at issue in this case, and has not provided notice of FDA approval to Glaxo.

Counsel for the parties are available to discuss this matter at the Court's convenience should the Court so desire.

Respectfully submitted,

/s Francis DiGiovanni

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